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THE

INTERIM

A REPORT OF INTERIM ACTIVITY ... MONTANA LEGISLATIVE COUNCIL ... HELENA

NOVEMBER 1982

VOL. III, NO. 18

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PERIODICALS

INTERIM COMMITTEES

FISH AND GAME

FINAL
RECOMMENDATIONS
DECIDED

The Joint Subcommittee on Fish and Game held its final meeting of the interim on October 14. The meeting was primarily a work session to develop the Committee's final report.

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A contingent from Cooke City testified that the "bear problems" being reported in their city were not very significant. They requested more cooperation from the Department of Fish, Wildlife, and Parks.

The Committee made several formal "findings" regarding the Department's staffing, management and land acquisition policies. A recommendation to increase the number of wardens to 95 was adopted. Bill drafts to be included in the report pertain to amending the statutes regulating outfitters, and to amending the code sections restricting Fish, Wildlife, and Parks employees from testifying before the Legislature.

The final report should be available in December.

BUSINESS

RECOMMENDATIONS
SET IN OCTOBER
MEETING

October was an active month for the Joint Subcommittee on Business. It co-sponsored the Forum on Environmental Regulation and the Economy with the EQC on October 4 and 5. The Forum was very productive and quite a success.

The Committee also held its final meeting on October 6 in Helena. Contents and format for the final report were the main order of business. The Committee adopted about a

dozen recommendations, a bill to require the filing of water rights on the Missouri River, a bill amending code sections to protect investors and developers from changing regulations, and a resolution requesting the Superintendent of Public Instruction to emphasize economics in the high school curriculum.

The final report will be available in December.

HUMAN SERVICES

OCTOBER 13
MEETING HELD:
FINAL RECOMMENDATIONS SET

The Subcommittee on Human Services met on October 13. The Subcommittee made final recommendations for legislation which will centralize authority for residential services to youth in the Department of Social and Rehabilitation Services. The Subcommittee also decided to send Dr. Vandiver's survey of the management and services of the Department of Institutions to the 48th Legislature without any Subcommittee recommendations.

JUDICIARY

FINAL MEETING
NOVEMBER 13

On Saturday, November 13, the Subcommittee on Judiciary will conclude its 17-month study on appellate delay, the district courts, and the delivery of indigent defense and prosecutorial services in Montana. This final meeting will begin at 9:00 a.m. in Room 104 of the State Capitol.

Agenda items for the November meeting include final action on legislation:

-- Limiting appellate review by the Supreme Court;

-- Requiring the training coordinator for county attorneys to prepare a checklist of legal errors or objections for use by prosecutors and defense counsel;

-- Revising provisions concerning the district court grant program;

-- Implementing the judicial redistricting plan adopted by the Subcommittee in September;

-- Requiring the state to assist counties in the payment of salaries for deputy county attorneys;

-- Prohibiting the termination of a deputy county attorney's employment except for cause; and

-- Permitting a death row inmate to be confined at the state prison at state expense pending execution.

TASK FORCE ON CORRECTIONS

NUMEROUS MEETINGS HELD

The Factfinding Task Force on Corrections has met and plans to meet several times. The group is working toward an adult corrections action plan for the next Legislature.

For planning purposes, the Task Force has concluded that the system population in 1985 will be 900, 15% maximum security, 50% medium security, and 35% minimum security. Further decisions as to facilities and program needs will be made in coming weeks.

ADMINISTRATIVE CODE COMMITTEE

NOVEMBER 17-18 DATES SET

A two-day meeting of the Administrative Code Committee has been scheduled for November 17 and 18, 1982, immediately preceding the Legislative Orientation session and party caucuses.

Among items on the Committee's agenda is the final consideration of several bill drafts, including bills requiring separate grants of rulemaking authority whenever the duties of executive branch agencies are enlarged, a bill requiring Committee review of all rules adopted prior to the creation of the Administrative Code Committee in 1975, a bill clarifying when a poll may be taken of the Legislature to determine legislative intent, and a bill draft to require agencies to demonstrate, as a prerequisite to the validity of the rule, that a rule is reasonably necessary.

The Committee will also hear the results of a study conducted by Committee staff reviewing those Montana statutes requiring rules to be

adopted by executive agencies but for which no rules have been adopted. The Committee will also hear a staff report comparing the rulemaking provision of the Montana Administrative Procedure Act to similar provisions of the Model Administrative Procedure Act of 1981, and a staff review of rulemaking statutes planned to be amended by executive branch agencies in the upcoming legislative session.

Finally, the Committee will hear reports on the status of proposed changes in solid waste and certificate of need rules, as well as presentations by persons interested in rules recently proposed by the Board of Morticians. Those rules proposed by various executive branch agencies in Issues 16 through 19 of the 1982 Montana Administrative Register will also be reviewed by the Committee.

COAL TAX OVERSIGHT SUBCOMMITTEE

TO REVIEW DRAFT FINAL REPORT

The Coal Tax Oversight Subcommittee will meet November 12 in Helena at the Capitol in Room 108, to review the Subcommittee's draft final report and recommendations to the Legislature. The meeting will begin at 10:30 a.m. For a list of the Subcommittee's tentative recommendations, see the August issue of the INTERIM.

REVENUE OVERSIGHT COMMITTEE

MEETING NOVEMBER 12-13

The Revenue Oversight Committee will hold a two-day meeting in Helena on November 12 and 13. The meeting on the 12th will begin at 1:00 p.m. in Room 108. The Committee will discuss the draft report from the Coal Tax Oversight Subcommittee, a report from the Department of Revenue regarding agricultural reappraisal options and various other departmental matters, the issue of Bank Shares taxes and the Corporation License Tax. The Committee will also discuss local government finances with various local government representatives.

On Saturday, November 13, beginning at 8:30 a.m., the Committee will discuss liquor license draft legislation, and two bills that relate to railroad retirement benefits and

the senior citizens' property tax relief program.

LEGISLATIVE AUDIT COMMITTEE

LEGISLATIVE AUDIT COMMITTEE MEETING

The Legislative Audit Committee, consisting of Senators Matt Hims1, Chet Blaylock, Steve Brown, and Frank Hazelbaker, and Representatives Kathleen McBride, Robert Anderson, Jim Burnett and Steve Waldron, will meet November 8 and 9, in Room 104 of the State Capitol.

REPORTS TO BE ISSUED

The Committee will receive and review the following financial/compliance audit reports:

Department of Administration, Treasury
Bureau

Montana Coal Board (Contract Audit)

SUNSET AUDITS

The Committee will make decisions on the following:

Public Service Commission and the
Department of Public Service Regulation

Board of Milk Control

PERFORMANCE AUDIT

Department of Highways

REPORTS

Copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, telephone 449-3122.

LEGISLATIVE FINANCE COMMITTEE

MEETING HELD OCTOBER 14-15

The Legislative Finance Committee met October 14 and 15. The Committee acted on reports concerning Aging Services, University System Plant Funds, Vocational-Technical Center Funding, Public School Transportation, Grants and Contracts of the Department of Natural Resources; Environmental Sciences Division in the Department of Health; the Department of Fish, Wildlife, and Parks; and the Coal Board, and budget amendments. In addition, informational reports were received relating to Local Government Block Grants, Workers' Compensation Performance Measures, and Child Support Enforcement Operations.

MEETING SCHEDULED
NOVEMBER 17-18

The next meeting of the Legislative Finance Committee is scheduled for November 17 and 18. At this time the Committee will preview some of the budgetary issues facing the 1983 Legislature.

ENVIRONMENTAL QUALITY COUNCIL

NOVEMBER 23
DATE SET

The full EQC will meet Tuesday, November 23, at 9:00 a.m. in Room 104 of the Capitol. The agenda includes staff reports and updates on the following issues: the Montana Environmental Policy Act (MEPA) and rules implementing that statute; solid waste management; pesticides; noxious weed control; and small-scale hydroelectric development permitting and impacts. The EQC will also hear proposals on increasing tax incentives for wind energy development and on the Montana/Canadian Relations Project. At the request of the EQC, the Department of Agriculture will present its legislative proposals for improving the pesticide management program.

EQC Subcommittees will report to the Council on hard-rock mining, the economy and environment forum, and the alternative energy program.

An important element of the EQC meeting will be a discussion of several aspects of the subdivision review process. Following up on concerns raised by many individuals and groups, the EQC has requested the Department of Health and Environmental Sciences to explain its procedures now that the Subdivision Bureau has effectively been eliminated. The Council will discuss the relationship of MEPA to the subdivision review process, coordination with local government review, and the potential need for a programmatic environmental review of certain regions highly impacted by subdivision development.

For more information about the EQC meeting, please call the EQC office.

EQC HARD-ROCK
MINING SUBCOMMITTEE

There will be a public hearing on November 22 in Room 104 of the State Capitol conducted by the Hard-Rock Mining Subcommittee of the EQC. The purpose of the hearing is to receive public comment on the draft report on the

taxation of the hard-rock industry that is soon to be completed pursuant to HJR 66. Immediately following the hearing the Subcommittee will hold a working session and complete its deliberations on the hard-rock study. A final report will be issued soon thereafter and reviewed by the full EQC and Revenue Oversight Committee prior to its submission to the 1983 Legislature.

Contact EQC staff for additional information or to obtain a copy of the draft report in advance of the public hearing on November 22.

MONTANA SALARY COMMISSION

MEETING -
NOVEMBER 12

The Montana Salary Commission will meet at 10:30 a.m., Friday, November 12, in Room 104 of the Capitol to make its recommendations for salaries for elected state officials, legislators, supreme court justices, district judges, State Tax Appeal Board members, and the Commissioner of Political Practices. The Salary Commission has asked the legislative leadership to attend to discuss the objectives of the Commission's work.

Salary Commission members are Maurice Evans, Billings, Chairman; Deborah L. Hanson, Miles City; Robert T. Stevens, Jr., Bozeman; Carolyn E. Morrison, Bozeman; John C. Hoyt, Great Falls; Carlyle D. Leeds, Sr., Havre; Milton Datsopoulos, Missoula; and Yvonne Bradford, Missoula.

DISTRICTING AND APPORTIONMENT

HEARING AND
MEETING -
NOVEMBER 20

The Districting and Apportionment Commission will hold its final meeting and hold a public hearing on its plan Saturday, November 20.

SENATE JOINT RESOLUTION NO. 34 COMMITTEE

FINAL WORK
NOVEMBER 17-18

The study conducted under SJR 34 is nearing conclusion. The Legislative Advisory Committee is holding its final session over a two-day period. On November 17, the Committee will meet to review the study results being submitted to them by the Study Groups and Task Force. The afternoon of the 17th has been reserved for a public hearing

on the study results. Armed with the study results and the comments received at the public hearing, the Committee will meet again on the morning of November 18 to give direction to any proposed legislation developing because of the study.

Anyone interested in reviewing the study results may obtain a copy of the report from the Bureau of Health Planning and Resource Development, Department of Health and Environmental Sciences. Requests for further information on the November 17-18 meeting can be directed to the Bureau as well.

LEGISLATIVE COUNCIL

THE PARRISH ARCHITECTS

The representative of The Parrish Architects of St. Paul, Minnesota, reported to the Council at its October 8 meeting that the firm had begun work on the study of costs to renovate the old prison, and that the week of October 11 all of the engineering and architectural staff were scheduled to be in Deer Lodge to begin a thorough study of the entire situation.

ORIENTATION

The Council approved the final plan for Legislative Orientation scheduled November 19 and 20. Senator Pat Goodover, Council Chairman, will act as moderator. ADMINISTRATIVE MATTERS, such as seating, parking, housing, and salaries will be discussed by Senator Allen Kolstad and Representative Bobby Spilker. LEGISLATIVE PROCEDURES will be explained by Senator Stan Stephens. Senator Jean Turnage and Representative Bob Marks will explain the entire process by which legislation is enacted and the use of various legislative publications. Representatives of the Legislative Council, Fiscal Analyst, Environmental Quality Council, Audit Committee, Law Library, and Governor's Office will demonstrate the resources available to legislators from their offices. SPECIAL BRIEFINGS will be given on the executive rulemaking process, the budget process, coal tax, school foundation program, and 1981-82 legislative interim studies.

*All meetings are subject to change

LEGISLATIVE INTERIM CALENDAR

NOVEMBER

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

1	2	3	4	5	6
	8 CORRECTIONS TASK FORCE Rm 104, 9:00	10	11	12SALARY COM. Rm 104, 10:30 COAL TAX Rm 108, 10:30 REVENUE OVERSIGHT Rm 108, 1 p.m. Rm 108, 9:00	13 SUBCOMMITTEE ON JUDICIARY Rm 104, 9:00 REVENUE OVERSIGHT Rm 108, 9:00
	LEGISLATIVE AUDIT COMMITTEE Room 108				
14	15	16	17LEGISLATIVE FINANCE COM. Rm 104, All Day	18LEGISLATIVE FINANCE COM. Rm 104, 8-5 ACC Room 108, 8:30 - 5:00 LEGISLATIVE COUNCIL Rm 139, 2 p.m.	19 DISTRICTING & APPORTIONMENT Senate Chambers 9:00
21	22 HARDROCK MINING Rm 104, 8-5	23 ENVIRONMENTAL QUALITY COUNCIL Rm 104, 8-5	24 ADMINISTRATIVE CODE COM. Rm 139, 8:30 All Day	25 THANKSGIVING DAY	26 CAUCUS Colonial Inn
28	29	30			27

LEGISLATIVE INTERIM CALENDAR

DECEMBER

THURSDAY

FRIDAY

SATURDAY

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

				1	2	3	4
5	6	7		8	9	10	11
12	13	14		15	16	17	18
19	20	21		22	23	24	25
26	27	28		29	30	31	 MERRY CHRISTMAS!

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